



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Jim Tu
DOCKET NO.: 16-21229.001-R-1
PARCEL NO.: 05-33-111-088-0000

The parties of record before the Property Tax Appeal Board are Jim Tu, the appellant, by attorney Robert Rosenfeld, of Robert H. Rosenfeld and Associates, LLC in Chicago; and the Cook County Board of Review.

Based on the facts and exhibits presented in this matter, the Property Tax Appeal Board hereby finds **A Reduction** in the assessment of the property as established by the **Cook** County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$11,124
IMPR.: \$56,876
TOTAL: \$68,000

Subject only to the State multiplier as applicable.

Statement of Jurisdiction

The appellant timely filed the appeal from a decision of the Cook County Board of Review pursuant to section 16-160 of the Property Tax Code (35 ILCS 200/16-160) challenging the assessment for the 2016 tax year. The Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of the appeal.

Findings of Fact

The subject property is improved with a 2-story masonry dwelling. The home is approximately 13 years old and contains 2,823 square feet of living area. Features include a full unfinished basement, central air conditioning, 2 fireplaces and a 4-car garage. The site is 10,595 square feet in size and is located in Wilmette, New Trier Township, Cook County. The subject is classified as a class 2-78 property under the Cook County Real Property Assessment Classification Ordinance.

The appellant contends overvaluation and assessment inequity as the bases of the appeal. In support of the overvaluation argument the appellant completed Section IV - Recent Sale Data of the appeal form indicating the subject was purchased on November 20, 2015 for \$680,000. The sale was handled through a realtor, advertised on the Multiple Listing Service, was on the market 23 days, was sold in settlement of a contract for deed and the sale was not between family or

related corporations. The appellant submitted a Settlement Statement confirming the seller as Deutsche Bank National Trust Company, the sale price of \$680,000, the date of sale of November 20, 2015 and listing commissions paid to two realtors. The appellant's attorney submitted a brief addressing the overvaluation argument and requested the Board reduce the subject's total assessment to \$68,000.

In support of the inequity argument, the appellant submitted information on three, 2-story, Class 2-78 comparables having the same neighborhood code as the subject. The comparables range in size from 3,088 to 3,303 square feet of living area and range in age from 32 to 42 years old. The comparables' features have varying degrees of similarity as compared to the subject. The comparables have improvement assessments ranging from \$64,239 to \$70,501 or from \$20.56 to \$21.34 per square foot of living area. The appellant's attorney submitted a brief addressing the inequity argument and requested the Board reduce the subject's total assessment to \$70,125. Based on this evidence, the appellant requested the total assessment be reduced to \$68,000.

The board of review submitted its "Board of Review Notes on Appeal" disclosing the total assessment for the subject of \$80,530. The subject's assessment reflects a market value of \$805,300 or \$285.26 per square foot of living area including land using the Cook County Real Property Assessment Classification Ordinance level of assessment for Class 2 property of 10%. The subject property has an improvement assessment of \$69,406 or \$24.59 per square foot of living area.

In support of its contention of the correct assessment, the board of review submitted information on three assessment comparables located within a quarter-mile of the subject. They are described as 2-story masonry dwellings, 9 or 10 years of age and ranging in size from 2,726 to 3,283 square feet of living area. The features have varying degrees of similarity as compared to the subject. The comparables have improvement assessments ranging from \$63,624 to \$112,081 or from \$23.15 to \$40.58 per square foot of living area. One comparable sold in June 2015 for \$1,190,000 or \$430.85 per square foot of living area including land. Based on this evidence, the board of review requested confirmation of the subject's assessment.

Conclusion of Law

The appellant contends the market value of the subject property is not accurately reflected in its assessed valuation. When market value is the basis of the appeal the value of the property must be proved by a preponderance of the evidence. 86 Ill.Admin.Code §1910.63(e). Proof of market value may consist of an appraisal of the subject property, a recent sale, comparable sales or construction costs. 86 Ill.Admin.Code §1910.65(c). The Board finds the appellant met this burden of proof and a reduction in the subject's assessment is warranted.

The appellant submitted evidence the subject was purchased on November 20, 2015 for \$680,000. The sale had the elements of an arm's-length transaction in that it was handled through a realtor, advertised on the Multiple Listing Service, was on the market 23 days, and the sale was not between family or related corporations. The board of review submitted one comparable sale occurring in June 2015 for \$1,190,000. The comparable was superior to the subject in that it had a finished basement as compared to the subject's unfinished basement and would require a downward adjustment. The Board finds this evidence does not overcome the

weight of the subject's arm's-length sale. The Board further finds the board of review presented no evidence challenging the arm's-length nature of the subject's sale. Based on this record, the Board finds a reduction in the subject's assessment based on overvaluation is appropriate.

The appellant also contends assessment inequity as a basis of the appeal. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence. 86 Ill.Admin.Code §1910.63(e). Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of not less than three comparable properties showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property. 86 Ill.Admin.Code §1910.65(b). The Board finds the appellant did not meet this burden of proof.

The Board finds both parties submitted comparables with improvement assessments ranging from \$20.56 to \$40.58 per square foot of living area. After granting a reduction in the subject's assessment based on overvaluation, the Board finds the subject's reduced improvement assessment of \$20.15 per square foot of living area is below the range established by both parties' comparables. Therefore, the Board finds no further reduction in the subject's improvement assessment based on equity is warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code. Pursuant to Section 1910.50(d) of the rules of the Property Tax Appeal Board (86 Ill.Admin.Code §1910.50(d)) the proceeding before the Property Tax Appeal Board is terminated when the decision is rendered. The Property Tax Appeal Board does not require any motion or request for reconsideration.

Chairman



Member

Member



Member

Member

DISSENTING: _____

CERTIFICATION

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: May 21, 2019



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year or years of the same general assessment period, as provided in Sections 9-125 through 9-225, are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for such subsequent year or years directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR OR YEARS. A separate petition and evidence must be filed for each of the remaining years of the general assessment period.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.

PARTIES OF RECORD

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